

Service Date: July 6, 1990

FINAL ORDER NO. 5999

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of	)	Docket No. T-9543
A & A TRANSPORT, INC., Kalispell, MT	)	
for a Montana Intrastate Certificate	)	Order No. 5999
of Public Convenience and Necessity.	)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On April 12, 1990, A & A Transport, Inc., 211 Action Rd., P.O. Box 1704, Kalispell, Montana 59903, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of wood pellets, Class C, between all points and places in the State of Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public May 7, 1990. That notice said in pertinent part:

If no written protests are received by May 27, 1990, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. A protest was filed by Molerway Freight Lines, Inc., Billings, Montana.

4. The docket was noticed for public hearing June 12, 1990. On June 22, 1990, Applicant restrictively amended the application. Subsequently on June 25, 1990, the protest was

withdrawn to the docket.

5. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

#### CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

#### ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 2nd day of July, 1990, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-0543, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of A & A TRANSPORT, INC., Kalispell, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Wood pellets, Class C, between all points and places in the State of Montana.  
Limitations: Transportation is limited to shipments of 25, 000 pounds or more.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation

of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana,  
this 2nd day of July, 1990, by a vote of 5 - 0 .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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HOWARD L. ELLIS, Vice Chairman

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JOHN B. DRISCOLL, Commissioner

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DANNY OBERG, Commissioner

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WALLACE W. "WALLY" MERCER, Commissioner

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REX MANUEL, Commissioner

ATTEST:

Ann Peck  
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision.  
A motion to reconsider must be filed within ten (10) days. See 38.2.4806,  
ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Final Order No. 5999 issued in Docket T-  
9543 in the matter of the application by A & A Transport, Inc., for a Montana Intrastate  
Certificate of Public Convenience and Necessity has today been sent to all parties listed.

MAILING DATE: \_\_\_\_\_  
July 8, 1990

\_\_\_\_\_  
FOR THE COMMISSION

CERTIFIED MAIL:

A & A Transport, Inc.  
P.O. Box 1704  
Kalispell, MT 59901

FIRST CLASS MAIL:

Todd Gunderson  
Attorney at Law  
P.O. Box 926  
Billings MT 59103

AS ITS INTERESTS MAY APPEAR:

Montana Consumer Counsel  
34 West Sixth  
Helena, Montana 59620

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P.O. Box 1704

Kalispell, MT 59901  
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